

DETAILED ACTION

- 1 This action is responsive to the amendment filed on February 25, 2010.
- 2 The cancellation of claims 2-3 and 7-9 is acknowledged. Pending claims are 1, 4-6, 10-13 and the newly added claim 15.
- 3 A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2010 has been entered.

EXAMINER'S AMENDMENT

- 4 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Valence on March 11, 2010.

The application has been amended as follows:

In the claims:

Please cancel claims 1, 10 and 11.

In claim 4, in line 1, replace "1" by -- 15--.

In claim 5, in line 1, replace "1" by --15--.

In claim 6, in line 1, delete the term "one of".

In claim 6, in line 1, replace "1" by --15--.

In claim 12, in line 2, replace "1" by --15--.

In claim 15, in line 12, delete the word "Vaseline".

In claim 15, in line 13, after the word "betain" insert -- ; --.

In claim 15, in line 15, replace the word "ration" by --ratio--.

In claim 15, in line 17, replace the word "ration" by --ratio--.

5 Claims 4-6, 12-13 and 15 are allowed.

STATEMENT OF REASONS FOR ALLOWANCE

6 The following is an examiner's statement of reasons for allowance:

The Obviousness rejection of the claims over Laurent et al. (US 2002/0046431 A1) in view of Jacquet et al. (US 4,381,919) is rendered moot because the " consisting of "language of the amended claims, excludes the cationic amphiphilic polymers of Laurent et al. and also excludes the quaternized polymers of Jacquet et al. Accordingly, the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratin fibers lustrous dyeing formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eisa B Elhilo/
Primary Examiner, Art Unit 1796
March 12, 2010